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OFFICE OF PETITIONS

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|----------------------------------|---|-------------|
| In re Application of | : | |
| Dake, et al. | : | |
| Application No. 09/469,277 | : | ON PETITION |
| Filed: December 22, 1999 | : | |
| Attorney Docket No. INTL-0278-US | : | |

This is a decision on the petition under 37 CFR 1.181, filed February 13, 2005, to withdraw the holding of abandonment.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and publication fee, if applicable, on or before December 20, 2005. Accordingly, this application became abandoned on December 21, 2005. A Notice of Abandonment was mailed on February 2, 2006.

Petitioner asserts the Office communication was not received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See *Withdrawing the Holding of Abandonment When Office Actions Are Not Received*; Notice 1156 Off. Gaz. Pat. Office 53 (November 16, 1993).

The required statements and docket records have been submitted and considered.

The petition is granted.

The petition fee will be refunded to deposit account no. 20-1504.

This application is being forwarded to Technology Center 2100, for re-mailing of the Notice of Allowance mailed September 20, 2004, with a new period for response.

Telephone inquiries concerning this matter may be directed to the undersigned at
(571) 272-3228.

A handwritten signature in dark ink, appearing to read 'E. Tannouse', followed by a long horizontal line extending to the right.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy